IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10691 of 2004

Between:
Sannapaneni Srinivasulu Naidu, S/o. Venkata Subbaiah,
R/o. Mekavari Palli (v), Rajampet (M), Kadapa District.
..... PETITIONER

AND

1 The Deputy Commissioner, Prohibition & Excise, Kurnool.
2 The Commissioner, Prohibition & Excise, Hyderabad.
3 The Prohibition & Excise Inspector, Rayachoti, Kadapa District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly in the nature of CERTIORARI calling for records relating to and pertaining to the order of the 1st respondent in Proceedings Rc.No.B2/925/98 dt. 28-8-2003 where under rejecting the petition filed by the Petitioner in connection with confiscation of his jeep bearing No. AP 21 A 3559 in Crime No. 54/97-98 of Prohibition and Excise Station Rayachoty, Kadapa District and quashed the same as illegal, improper, unjust and arbitrary besides being contrary to the spirit of the decision in w.P.No.13068/2000 dt. 14-2-2003

For the Petitioner: MR.K.SANKARAYYA, ADVOCATE

For the Respondents: THE GOVERNMENT PLEADER FOR PROHIBITION
& EXCISE

The Court at the admission stage made the following ORDER :

This writ petition is filed by the petitioner against the order of the Deputy Commissioner, Prohibition & Excise, Kurnool, dated 28.08.2003. Admittedly, against the said order, the petitioner has got a remedy of appeal under Section 46(c) of the Andhra Pradesh Excise Act, 1968.

2. In view of the effective remedy of appeal available to the petitioner under the statute, this Court is not inclined to entertain the present writ petition.

3. Under the above circumstances, the writ petition is disposed of directing the petitioner to approach the appellate authority within a period of three weeks from the date of receipt of a copy of this order. On presentation of such appeal, the appellate authority is directed to dispose of the same on merits. No costs.

28.06.2004

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To

1 The Deputy Commissioner, Prohibition & Excise, Kurnool.
2 The Commissioner, Prohibition & Excise, Hyderabad.
3 The Prohibition & Excise Inspector, Rayachoti, Kadapa District.
4. Two CCs to G.P. for Prohibition and Excise, High Court Buildings, Hyderabad (OUT)
5. Two CD copies